

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 312**

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**Introduced by Assembly Member Wieckowski**

February 12, 2013

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An act to amend Section 53270 of the Government Code, relating to firefighters.

LEGISLATIVE COUNSEL'S DIGEST

AB 312, as amended, Wieckowski. Local government: employees: firefighters.

Existing law authorizes the California Firefighter Joint Apprenticeship Program to administer, prepare, and circulate to local governments a list of permanent career civilian federal, state, and local government firefighters eligible for appointment to a local government firefighter position. Existing law permits a permanent career civilian federal, state, or local government firefighter to apply for placement on the list after he or she receives a notice of termination or a priority placement notice and requires his or her name to remain on the list for a period of 48 months. *Existing law requires that placement on the list be determined by length of service as a permanent career civilian federal, state, or local government firefighter.*

This bill would provide that a firefighter's name may remain on the list described above for ~~60~~ 36 months. *The bill would also delete the provision relating to determination of placement on the list.* The bill would also make a conforming change.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 53270 of the Government Code is  
2 amended to read:

3 53270. (a) The Legislature hereby finds that the hiring of  
4 permanent career civilian federal, state, and local government  
5 firefighters by local agencies as specified in this section is in need  
6 of uniform statewide regulation and constitutes a matter of  
7 statewide concern that shall be governed solely by this section.

8 (b) Notwithstanding any other provision of law, upon approval  
9 by its governing body, a local government, including, but not  
10 limited to, a fire protection district, joint powers agency, or the  
11 fire department of a city, including a charter city, county, or city  
12 and county, or any political subdivision of one of these agencies,  
13 when hiring additional firefighters, may appoint as a member or  
14 officer any person who meets all of the following criteria:

15 (1) Was serving as a permanent career civilian federal firefighter  
16 in good standing at any United States military installation or was  
17 a permanent career firefighter employed by the state or a local  
18 government within the state.

19 (2) Has satisfactorily completed all firefighter training required  
20 for employment as a permanent career civilian federal, state, or  
21 local government firefighter.

22 (3) Was, as a consequence of the closure, downsizing, or  
23 realignment of a federal military installation, terminated as a  
24 permanent career civilian federal firefighter, or as a consequence  
25 of job-elimination, terminated as a permanent career state or local  
26 government firefighter, within ~~60~~ 36 months prior to the  
27 appointment.

28 (c) The appointment authority created by this section shall take  
29 precedence over any provision of, or any condition or circumstance  
30 arising from a provision of, a charter, ordinance, or resolution that  
31 governs employment of firefighters, that would otherwise frustrate  
32 the purpose of this section, including, but not limited to, the  
33 following:

34 (1) The local government maintains a civil service or merit  
35 system governing the appointment of firefighters.

36 (2) The local government has available to it an eligible or regular  
37 reemployment list of persons eligible for those appointments.

38 (3) The appointed person is not on any eligible list.

1 (d) A local government may not employ a person pursuant to  
2 this section if a special reemployment list is in existence for the  
3 firefighter position to be filled.

4 (e) If a local government determines to appoint a person pursuant  
5 to this section, it shall give first priority to residents of the  
6 jurisdiction, and second priority to residents of the county not  
7 residing in the jurisdiction.

8 (f) The seniority, seniority-related privileges, and rank that a  
9 permanent career civilian federal, state, or local government  
10 firefighter possessed while employed at a federal military  
11 installation or by the state or a local government shall not be  
12 required to be transferred to a position in a local government fire  
13 department obtained pursuant to this section.

14 (g) To effectuate the purposes of this section, the California  
15 Firefighter Joint Apprenticeship Program may administer, prepare,  
16 and circulate to local governments a list of permanent career  
17 civilian federal, state, and local government firefighters eligible  
18 for appointment pursuant to this section. ~~Placement on the list shall~~  
19 ~~be governed by length of service as a permanent career civilian~~  
20 ~~federal, state, or local government firefighter.~~ A permanent career  
21 civilian federal, state, or local government firefighter may apply  
22 for placement on the list after he or she receives a notice of  
23 termination of position or a priority placement notice and shall  
24 remain on the list for a period of ~~60~~ 36 months.